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UNCLAS COLOMBO 001179

SIPDIS

DEPARTMENT FOR SA, SA/INS, DRL (ANKSE)

E.O. 12958: N/A

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SUBJECT: Mission recommends alternate organization for implementing judicial reform grant

Refs: 02 Colombo 2110, and previous

1. This is an action request. Please see Para 6.

2. SUMMARY: The judicial reform project to increase the capacity of courts in Sri Lanka's war-torn north and east, as well as administer legal aid to those affected communities, has been only partially successful. The portion of the grant related to equipment purchase for the courts has gone smoothly. The organization designated to provide legal aid services has caused Mission to doubt their ability to fully undertake the task. Mission requests a redirection of remaining funds to another organization more capable of completing the required activities.

3. BACKGROUND ON JUDICIAL REFORM PROJECT: Mission received a USD 250,000 grant from DRL to address judicial reform and provide legal aid in the north and east of Sri Lanka, where the court system has been devastated due to three decades of ethnic conflict. The grant had two discrete tasks: purchase and deliver equipment to enable functioning of courts in the north and east and setup and equip a Colombo-based office to administer judicial reform projects, beginning with legal assistance to vulnerable populations in conflict affected areas. The Sri Lanka National Commission of Jurists (SNCJ) was the local non-governmental organization (NGO) awarded the grant for carrying out the second goal of the grant -- providing legal aid. In an effort to enable the SNCJ to demonstrate capacity, the second part of the grant was divided into two parts of office setup and program development.

4. CURRENT STATUS OF EFFORTS: The first goal of the project is nearing completion. Court equipment has been purchased and Mission is making final arrangements to present the items to the Ministry of Justice. Regarding the SNCJ's tenure, however, the organization has demonstrated a lack of capacity in being unable to carry out the first part of its grant. The SNCJ was given ample time to establish and equip an office in Colombo. During this time frame, Mission has observed that the SNCJ has been unable to undertake basic management tasks, make decisions in a timely fashion, hire responsible staff, or prove fiscal management competency. These actions have cast doubt on the SNCJ's ability to effectively plan and budget for implementing legal aid programs on behalf of the disaffected communities in the north and east.

5. RECOMMENDED NEXT STEPS: In assessing the situation, Mission has determined that redirecting the remaining funds, for program planning, to another organization will allow for more efficient utilization of the funds as well as having the greatest impact in delivering legal aid. After a careful review of capable organizations, Mission recommends that the government-funded Legal Aid Commission receive the funds to complete the second task of providing legal aid. By working with this public statutory body, Mission will be able to have both a short- and long-term impact on rule of law issues in Sri Lanka. Given the Legal Aid Commission's current organization to be able to engage lawyers in all court centers, the grant money will immediately enhance their efforts. Over the long-term, Mission will be able to develop a relationship with the government, building within the GSL a positive focus on human rights and rule of law issues. This relationship will augment Mission's current USAID Democracy and Governance programs.

6. ACTION REQUEST: Mission requests that remaining funds be reprogrammed to the Legal Aid Commission to complete the tasks set forth in the judicial reform project.

7. COMMENT: Given the desire to aid vulnerable communities in the north and east and be consistent with the spirit of the grant, Mission believes that endowing a different organization with the funding to carry out legal aid activities will have the most impact. With many international donors providing significant funding

to local NGOs, Mission would like to use this opportunity to build a sustainable relationship with the government, supporting its efforts to address the needs of its people. END COMMENT.

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